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10/656,551	09/05/2003	Diana K. Smetters	PARC-DA3162Q	8170
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NGUYEN, KHAI MINH				
ART UNIT		PAPER NUMBER		
2617				
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05/10/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto-incoming@parklegal.com

### Office Action Summary

**Application No.**

10/656,551

**Applicant(s)**

SMETTERS ET AL.

**Examiner**

KHAI M. NGUYEN

**Art Unit**

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 7, 10, 13, 16, 19-26, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7, 10, 13, 16, 19-26, and 28-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7, 10, and 22-23 are rejected under 35 U.S.C. 101 because the claims are directed towards non-statutory subject matter.

With respect to claims 7, 10, and 22-23, the claims are not limited to tangible embodiments. The claims recited a computer-readable storage medium. It can be reasonably interpreted that the computer-readable storage medium would include embodiments including propagation media, such as carrier waves, which fail to establish a statutory category of invention. Amending the specification as well as the claim to recite "a non-transitory computer-readable storage medium" is believed to be sufficient to overcome this rejection.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 4, 7, 10, 13, 16, 19-26, and 28-29 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1, 7, and 13 have been amended.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7, 10, 13, 16, 19-26, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balfanz et al. (Talking to Strangers: Authentication in Ad-Hoc Wireless Networks), in view of Hermann, Reto (EP 1024626), in view of Lowensohn et al. (U.S.Pub-20040230809), and further in view of Weiner et al. (U.S.Pub-20060030759).

Regarding claim 1, Balfanz teaches a computer controlled method comprising:

establishing communication between the resident alert device (B) and a provisioning device (A) over a preferred channel (fig.3, [3.2]), the resident alert device (B) configured to send the security credential to the provisioning device (A) over the preferred channel (fig.3, [3.2]) and to receive a commitment from the provisioning device over the preferred channel (fig.3, [3.2] A sends its public key across the wireless channel. B verifies it again the commitment, and then uses it to encrypt Sb and returns the result to A);

receiving from the provisioning device (fig.5) over the preferred channel at least one of provisioning information (fig.5, [3.2] public key) or additional application-specific information, site-specific information, network-specific information, or other information that can be used by the resident alert device (fig.5-6, [3.2], [4.1] KM gives the appropriate multicast keys to every group member)..; and

Balfanz fails to specifically disclose wherein the provisioning information includes a credential and wherein the credential facilitates the resident alert device to become a member of a secure credential infrastructure.

However, Hermann teaches wherein the provisioning information includes a credential (fig.1-2, [0020]-[0022]) and wherein the credential facilitates the resident alert device to become a member of a secure credential infrastructure (fig.1-2, [0020]-[0022]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hermann to Balfanz to prevent any accidental information exchange.

Balfanz and Hermann fail to specifically disclose providing a security credential to a resident alert device, wherein the resident alert device is inserted in a domicile for a resident covered by a secure community alert system to receive information from an center; and automatically configuring the resident alert device for receiving information over a secure communication channel responsive to the provisioning information.

However, Lowensohn teaches providing a security credential to a resident alert device (fig.4, [0059]; provides the public key infrastructure upon which the user's access credentials are based...), wherein the resident alert device (fig.4: user 404) is inserted in a domicile for a resident covered by a secure community alert system (fig.4) to receive information from an center ([0049], [0051]; the BARB Base 110 will be able to uniquely identify and communicate with multiple BARB Badges 100 within the RF range. The authentication and identification of each BARB Badge 100 is based on the unique number assigned to each BARB Badge 100 and securely communicated to the BARB Base 110; notify the user of the BARD badge 100...); and automatically configuring the

resident alert device (fig.1, barb badge 100) for receiving information over a secure communication channel responsive to the provisioning information (fig.1, and 4, [0042]-[0043], [0059]; The BARB Badge 100 can securely communicate with the BARB Base 110 when within range).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to Balfanz and Hermann to detect the user orientation in the environment and security the information of user.

Balfanz, Herman, and Lowensohn fail to specifically disclose an emergency operation center.

However, Weiner teaches an emergency operation center (fig.4, [0069]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Weiner to Balfanz, Hermann, and Lowensohn to detect the identity of the particular patient and inform the central station of the identity of that particular patient.

Regarding claims 4, 10, 16, Lowensohn further teaches transmitting information from the resident alert device over the secure communication channel (see Lowensohn, fig.1, [0009], [0271]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to Balfanz and

Hermann to detect the user orientation in the environment and security the information of user.

Regarding claim 7, Balfanz teaches a computer-readable storage medium storing instructions that when executed by a computer cause the computer to perform a method comprising steps of:

establishing communication between the resident alert device (B) and a provisioning device (A) over a preferred channel (fig.3, [3.2]), the resident alert device (B) configured to send the security credential to the provisioning device (A) over the preferred channel (fig.3, [3.2]) and to receive a commitment from the provisioning device over the preferred channel (fig.3, [3.2] A sends its public key across the wireless channel. B verifies it again the commitment, and then uses it to encrypt Sb and returns the result to A);

receiving from the provisioning device (fig.5) over the preferred channel at least one of provisioning information (fig.5, [3.2] public key) or additional application-specific information, site-specific information, network-specific information, or other information that can be used by the resident alert device (fig.5-6, [3.2], [4.1] KM gives the appropriate multicast keys to every group member)..; and

Balfanz fails to specifically disclose wherein the provisioning information includes a credential and wherein the credential facilitates the resident alert device to become a member of a secure credential infrastructure.

However, Hermann teaches wherein the provisioning information includes a credential (fig.1-2, [0020-[0022]]) and wherein the credential facilitates the resident alert device to become a member of a secure credential infrastructure (fig.1-2, [0020-[0022]]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hermann to Balfanz to prevent any accidental information exchange.

Balfanz and Hermann fail to specifically disclose providing a security credential to a resident alert device, wherein the resident alert device is inserted in a domicile for a resident covered by a secure community alert system to receive information from an center; and automatically configuring the resident alert device for receiving information over a secure communication channel responsive to the provisioning information.

However, Lowensohn teaches providing a security credential to a resident alert device (fig.4, [0059]; provides the public key infrastructure upon which the user's access credentials are based...), wherein the resident alert device (fig.4: user 404) is inserted in a domicile for a resident covered by a secure community alert system (fig.4) to receive information from an center ([0049], [0051]; the BARB Base 110 will be able to uniquely identify and communicate with multiple BARB Badges 100 within the RF range. The authentication and identification of each BARB Badge 100 is based on the unique number assigned to each BARB Badge 100 and securely communicated to the BARB Base 110; notify the user of the BARD badge 100...); and automatically configuring the resident alert device (fig.1, barb badge 100) for receiving information over a secure



communication channel responsive to the provisioning information (fig.1, and 4, [0042]-[0043], [0059]; The BARB Badge 100 can securely communicate with the BARB Base 110 when within range).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to Balfanz and Hermann to detect the user orientation in the environment and security the information of user.

Balfanz, Herman, and Lowensohn fail to specifically disclose an emergency operation center.

However, Weiner teaches an emergency operation center (fig.4, [0069]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Weiner to Balfanz, Hermann, and Lowensohn to detect the identity of the particular patient and inform the central station of the identity of that particular patient.

Regarding claim 13, Balfanz teaches an apparatus comprising:

at least one port configured to establish a preferred channel (fig.3, [3.2]);

a preferred channel communication mechanism configured to establish communication between the resident alert device (B) and a provisioning device (A) over a preferred channel (fig.3, [3.2]), the resident alert device (B) configured to send the security credential to the provisioning device (A) over the preferred channel (fig.3, [3.2])

and to receive a commitment from the provisioning device over the preferred channel (fig.3, [3.2] A sends its public key across the wireless channel. B verifies it again the commitment, and then uses it to encrypt Sb and returns the result to A);

receiver mechanism configured to receive from the provisioning device (fig.5) over the preferred channel at least one of provisioning information (fig.5, [3.2] public key) or additional application-specific information, site-specific information, network-specific information, or other information that can be used by the resident alert device (fig.5-6, [3.2], [4.1] KM gives the appropriate multicast keys to every group member)..; and

Balfanz fails to specifically disclose wherein the provisioning information includes a credential and wherein the credential facilitates the resident alert device to become a member of a secure credential infrastructure.

However, Hermann teaches wherein the provisioning information includes a credential (fig.1-2, [0020-[0022]) and wherein the credential facilitates the resident alert device to become a member of a secure credential infrastructure (fig.1-2, [0020-[0022])).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hermann to Balfanz to prevent any accidental information exchange.

Balfanz and Hermann fail to specifically disclose a mechanism configured to provide a security credential to a resident alert device, wherein the resident alert device is inserted in a domicile for a resident covered by a secure community alert system to

receive information from an center; and automatically configuring the resident alert device for receiving information over a secure communication channel responsive to the provisioning information.

However, Lowensohn teaches a mechanism configured to provide a security credential to a resident alert device (fig.4, [0059]; provides the public key infrastructure upon which the user's access credentials are based...), wherein the resident alert device (fig.4: user 404) is inserted in a domicile for a resident covered by a secure community alert system (fig.4) to receive information from an center ([0049], [0051]; the BARB Base 110 will be able to uniquely identify and communicate with multiple BARB Badges 100 within the RF range. The authentication and identification of each BARB Badge 100 is based on the unique number assigned to each BARB Badge 100 and securely communicated to the BARB Base 110; notify the user of the BARD badge 100...); and automatically configuring the resident alert device (fig.1, barb badge 100) for receiving information over a secure communication channel responsive to the provisioning information (fig.1, and 4, [0042]-[0043], [0059]; The BARB Badge 100 can securely communicate with the BARB Base 110 when within range).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to Balfanz and Hermann to detect the user orientation in the environment and security the information of user.

Balfanz, Herman, and Lowensohn fail to specifically disclose an emergency operation center.

However, Weiner teaches an emergency operation center (fig.4, [0069]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Weiner to Balfanz, Hermann, and Lowensohn to detect the identity of the particular patient and inform the central station of the identity of that particular patient.

Regarding claim 19, Weiner further teaches the information received by the resident alert device is information from an emergency operation center ([0062]-[0063], [0069]).

Regarding claims 20, 22, 24, Balfanz teaches the preferred channel ([2.1]) comprises a single location-limited channel capable of communicating both from the wireless sensor (B) to the provisioning device (A) and from the provisioning device (A) to the wireless sensor (B) ([2.1] identification based on physical context (the printer in front of me, all the PDA's in the room, etc.)).

Regarding claims 21, 23, 25, Balfanz teaches the preferred channel ([02.1]) comprises two separate channels ([2.1] location-limited channels), including a first location-limited channel capable of communicating from the wireless sensor (B) to the provisioning device (A) and a second location-limited channel capable of communicating from the provisioning device (A) to the wireless sensor (B) ([2.1] for example, Anderson and Stajano use secret data).

Regarding claim 26, Weiner further teaches receiving the at least one of the provisioning information or additional application-specific information from the

provisioning device over at least one off a telephone network ([0062]-[0063], [0069]), or the Internet.

Regarding claims 28 and 29, Weiner further teaches receiving information from at least one of: emergency radio station, television station, cellular phone system, wired telephone system, or the Internet ([0062]-[0063], [0069]); and identifying an intended resident alert device at an emergency operation center, and transmitting information from the emergency operation center to the intended resident alert device ([0062]-[0063], [0069]).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Khai M Nguyen/  
Examiner, Art Unit 2617

5/4/2010